UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/2001/11
26 June 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-second session
Item 4 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006)

Report of the Secretary-General submitted in accordance with Sub-Commission resolution 1999/9

Introduction

1. In its resolution 1999/9, entitled "Follow-up to resolution 1996/22 and decision 1998/105", the Sub-Commission on the Promotion and Protection of Human Rights requested the Secretary-General, once again, to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006), to provide him with information thereon and to transmit annually to the Sub-Commission the information received. [1]

2. During the past decade, a consensus has emerged, recognizing the importance of human rights, including the realization of the right to development as a prerequisite for effectively

[1] Additional information received from United Nations bodies and agencies will be submitted as an addendum.

promoting development and combating poverty. Global conferences in the 1990s highlighted the usefulness of integrating human rights into poverty reduction strategies. In the Millennium Declaration, the heads of State and Government of the States Members of the United Nations pledged to "spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected" and expressed their commitment to "making the right to development a reality for everyone and to freeing the entire human race from want" (General Assembly resolution 55/2 of 8 September 2000, para. 11). For the first time, they recognized explicitly the integral link between the realization of the right to development and poverty reduction. This commitment to realizing the right to development for everyone is very positive and provides a springboard for a renewed commitment to integrate human rights throughout national and international poverty reduction strategies.

3. The Commission on Human Rights, particularly in the context of the mandates on the right to development and economic, social and cultural rights, has paid growing attention to the issue of poverty through the realization of the right to development. For example, both the independent expert on the right to development and the independent expert on human rights and extreme poverty have underlined the strong relationship between the realization of the right to development and poverty eradication (see E/CN.4/2001/WG.18/2 and E/CN.4/2001/54). Further, in its resolution 2000/12, the Commission on Human Rights requested the open-ended working group on the right to development to take into account the work of the independent expert on human rights and extreme poverty in its deliberations. In response to this request, the Office of the United Nations High Commissioner for Human Rights (OHCHR) forwarded the reports of the independent expert on extreme poverty to the working group as background papers. During the last session of the working group, the need for international solidarity and cooperation for realization of the right to development was emphasized, with particular mention of the achievement of the internationally agreed development commitments, including for poverty eradication (E/CN.4/2001/26, para. 191).

4. OHCHR provides substantive and organizational support to the open-ended working group on the right to development, the independent expert on the right to development and also to the various other development-related mandates of the Commission on Human Rights. In particular, the Office assisted the independent expert on the right to development in the organization of his missions to the Philippines, Indonesia, Malaysia and Singapore in 2001. The objective of the missions was to see how these States had managed the financial crisis of 1998. One of the issues for discussion was the effect of policies on the enjoyment of human rights by the poor. The report of the independent expert on these missions will be made available to the Commission on Human Rights at its fifty-eighth session.

5. In 2001, OHCHR has also assisted the independent expert on human rights and extreme poverty in the preparation and conduct of her mission to Bolivia to assess the effectiveness of anti-poverty programmes and strategies by meeting with government officials, representatives of non-governmental organizations and poor people's associations, as well as United Nations and international financial organizations in the country.

6. OHCHR organized an expert seminar on human rights and poverty in Geneva from 7 to 9 February 2001. The expert seminar acknowledged the need for a new text that

would build on existing human rights norms and standards in a manner that explicitly addressed the phenomenon of poverty, and in particular extreme poverty, that would clarify definitional issues through the multidimensional nature of poverty in the light of human rights, and that would set forth relevant operational and policy guidelines. The majority of the participants were clearly in favour of the drafting of a new text which would make an explicit link between human rights and poverty, would enable poverty to be understood in human rights terms and would respond to poverty in human rights terms (E/CN.4/2001/54/Add.1 and Corr.1).

7. The expert seminar recognized that poverty is not just about lack of income. It is also about human rights. The crucial role of participation, empowerment, security and non-discrimination was emphasized by all the participants. On the basis of the outcome of the expert seminar, the Commission, at its fifty-seventh session, requested the Sub-Commission to consider the need to develop "guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty" (resolution 2001/31, para. 7 (a)).

8. Through the servicing of treaty-based organs, OHCHR contributes to the realization of the right to development and the alleviation of poverty by promoting human rights covenants and conventions, and the monitoring of their implementation, including through providing support for the reporting process, the development of general comments, and constructive dialogue between States parties and the Committees on matters relating to poverty and development. In particular, the general comments and concluding observations adopted by the Committee on Economic, Social and Cultural Rights are increasingly taking into account the question of poverty eradication. Economic, social and cultural rights are seen by the Committee to be a key vehicle by which economically and socially marginalized people, especially vulnerable groups, can lift themselves out of poverty and obtain the means to participate fully in their communities. In May 2001, the Committee on Economic, Social and Cultural Rights adopted a statement on poverty which recognizes that poverty "constitutes a denial of human rights" and defines poverty as "a human condition characterized by the deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights" (A/CONF.191/BP/7). The Committee is also planning to discuss how to integrate human rights into poverty reduction strategy papers (PRSPs).

9. At the inter-agency level, OHCHR continues its cooperation within the United Nations system for development and poverty eradication and provides support for facilitating integration of the elements of the right to development into the programmes and policies of United Nations system development agencies and programmes, inter alia the ongoing work of the United Nations Development Group; the United Nations Development Assistance Framework (UNDAF)/Common Country Assessment (CCA) framework, and the joint UNDP/OHCHR Memorandum of Understanding (the MoU).

United Nations Development Programme

10. Substantive information received from United Nations Development Programme (UNDP) is summarized as follows:

11. In 1999, UNDP undertook an internal stocktaking of its human rights activities, culminating in the publication of a Survey of UNDP Activities in Human Rights. Given its overall mandate of poverty alleviation and the corresponding focus on social and economic development, UNDP sees all of its activities for the promotion of sustainable development as a contribution towards the right to development. UNDP more explicitly defined its role in the realization of the right to development with the publication of 1998 policy document, Integrating Human Rights with Sustainable Human Development. This was followed by the conclusion of a Memorandum of Understanding (MoU) between UNDP and OHCHR in 1998. The MoU, which in March 2001 entered into its fourth year, sets the framework for the integration of human rights with UNDP development activities.

12. The UNDP Human Development Report 2000 explored the links between human rights and human development and thus contributed to furthering thinking on how to "operationalize" human rights in development programming. The operational aspects of integrating human rights with development will be further explored at a policy round table organized by OHCHR, the Human Development Report Office and the Swedish International Development Cooperation Agency in Alexandria, Egypt in June 2001.

13. The joint UNDP-OHCHR human rights strengthening programme (HURIST), established in 1999, is now operational in 26 countries in Africa, Asia, the Arab region, Latin America and the Caribbean and Eastern Europe/Commonwealth of Independent States.

14. During the last two sessions of the open-ended working group on the right to development (in September 2000 and January 2001), UNDP reflected on the reports of the independent expert and made suggestions on applying a human rights-based approach as a tool for implementing the right to development. Furthermore, UNDP Country Offices continue to provide substantive and logistical support to the missions of the independent expert. In February 2001, UNDP participated in the OHCHR Expert Seminar on Human Rights and Extreme Poverty (7 to 9 February 2001), contributing to the dialogue on the need for a new text on human rights and poverty.

15. UNDP also supports the implementation of the right to development through its collaboration with the human rights treaty bodies. UNDP has collaborated with the Committee on Economic, Social and Cultural Rights since 1998 and is exploring links with the Human Rights Committee. UNDP has recently engaged with these Committees and other United Nations system agencies to exchange experiences and to discuss future procedures for United Nations System-treaty body cooperation.

16. During the period 1999-2000, UNDP organized with the support of OHCHR a series of human rights training workshops for its Resident Representatives. Within the wider context of the United Nations Development Group, UNDP contributes towards the elaboration of human rights training in the context of UDAF/CCA, feeding into the ongoing efforts and activities of the United Nations Staff College. A comprehensive "UNDP training manual on human rights and sustainable development" has just been finalized. Distributed widely, the manual will be used as a human rights training tool by Country Offices of UNDP and other United Nations agencies as well as their non-United Nations development partners at country level.

United Nations Education, Scientific and Cultural Organization

17. Substantive information received from United Nations Education, Scientific and Cultural Organization (UNESCO) is summarized as follows:

18. Under the term of its Constitution, UNESCO accords high importance to the promotion and protection of all human rights, including the right to development. Promoting the right to development is considered by the organization as a powerful means of pursuing the struggle against poverty, which is a flagrant violation of human dignity.

19. UNESCO applies an integrated approach to poverty reduction, engaging all sectors, divisions and units of the organization, and seeks to reach three major interrelated strategic objectives: (a) to contribute to a broadening of the focus of international and national poverty reduction and development strategies through the mainstreaming of education, culture, the sciences and communication; (b) to support the establishment of effective linkages between national poverty reduction strategies and sustainable development frameworks, focusing on the areas of competence of UNESCO, and to help mobilize social capital by building capacities and institutions, especially in the public domain, with a view to enabling the poor to protect their rights; (c) to contribute to the creation of a national policy framework and environment for the empowerment of the poor, participatory approaches and income generation activities.

20. Emphasis will be put on policy formulation and implementation, advocacy and information - stressing that freedom from poverty is a human right -, policy-oriented research, capacity building and innovative cross-cutting field projects.

21. UNESCO strategy is underpinned by ongoing development initiatives, including outcomes of, and targets adopted by, international conferences and the use of existing mechanisms such as the Common Country Assessment. The strategy will also give a framework for UNESCO involvement in UNDAF and PRSPs. Given this commitment, UNESCO would like Governments to call upon it for active participation in the design and implementation of their PRSPs and UNDAF.

International Monetary Fund

22. Substantive information received from International Monetary Fund (IMF) is summarized as follows:

23. IMF has taken no specific action regarding the promotion of international cooperation for the realization of the right to development. However, in 1999, it established the Poverty Reduction and Growth Facility (PRGF), as a concrete step to integrate the objective of poverty reduction and growth more fully into the Fund's operations in the poorest member countries. Financial support and policy advice offered through the PRGF have an important role to play as countries seek to implement the right to development.

24. The PRGF includes two important features, which are the integration of poverty reduction with macro-economic policies and the emphasis on good governance. The latter focuses mainly on improving the management of public resources, achieving greater

transparency, active public scrutiny and generally increased government accountability in fiscal management. The Code of Good Practices on Fiscal Transparency points to a number of relevant general objectives.

25. As of March 2001, a total of 77 low-income member countries are eligible for PRGF assistance. Eligibility is based principally on a country's income per capita and eligibility under the International Development Association (IDA). An eligible country may borrow up to a maximum of 140 per cent of its IMF quota under a three-year arrangement, although this limit may be increased under exceptional circumstances to a maximum of 185 per cent of quota. The maximum amount does not constitute an entitlement and the amount lent depends on the balance of payments need of the member, the strength of its adjustment programme, its outstanding use of Funds credit, and its record on such use in the past. Loans under the PRGF carry an annual interest rate of 0.5 per cent, with repayment made semi-annually, beginning five and a half years and ending 10 years after the disbursement.

International Labour Organization

26. Substantive information received from International Labour Organization (ILO) is summarized as follows:

27. All the activities of ILO aim at ensuring that development takes place in conditions of human dignity and with respect for the principle of decent work, and thus promote actively the right to development as expressed in the General Assembly Declaration on the same subject.

28. These activities are manifold and based on the ILO legal framework, including the ILO constitution, the Philadelphia Declaration, and other international labour standards adopted by ILO and supervised by ILO bodies. A new instrument adopted in 1998, the Declaration on Fundamental Principles and Rights at Work, is now fully operational and helps to focus ILO efforts in this field. The In-Focus Programme under the Declaration on Fundamental Principles and Rights at Work, receives and channels extrabudgetary funds to projects to ensure the implementation of the four principles covered by the Declaration: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. The ILO is at present giving preliminary consideration to a possible large-scale programme for the elimination of forced labour.

29. Another important development assistance programme operated by ILO is the International Programme for the Elimination of Child Labour (IPEC), which operates in more than 60 countries and is dedicated to eliminating this scourge.

29. ILO also carries out a great deal of development assistance, in conditions that ensure the integration of human rights in development. In this connection, ILO has taken part actively in the United Nations system discussions on the rights-based approach to development.